

Licensing and Regulatory Committee



Forest Heath
District Council

Title of Report:	Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators	
Report No:	LIC/FH/17/003	
Report to and date/s:	Licensing and Regulatory Committee	10 April 2017
Portfolio holder:	Councillor Lance Stanbury Portfolio Holder for Planning and Regulatory Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	
Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 757132 Email: amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	To seek approval to adopt revised conditions to the existing taxi handbook across both licensing authorities in West Suffolk.	
Recommendation:	It is recommended that the Committee approve and adopt the conditions (attached at Appendix 3 to Report No: LIC/FH/17/003) so that they can be applied by the Licensing Authority.	
	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	<ul style="list-style-type: none"> Undertaken: 6 February – 20 March 2017 	
Alternative option(s):	<ul style="list-style-type: none"> Do nothing – this would result in the conditions becoming out of date and not reflecting either current circumstances or legal standards potentially resulting in lower standards of protection of the public 	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Keeping our conditions for Drivers and vehicles up to date promotes public safety and ensures drivers meet the fit and proper person test	Medium	Conditions are adopted under the Home Office Guidance to give control and public reassurance	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Original version of FHDC Handbook http://www.westsuffolk.gov.uk/Business/Regulation and Licensing/Licensing/Taxi licensing/upload/FHDC-hackney-carriage-handbook.pdf	
Documents attached:		Appendix 1 – Pre-consultation handbook proposal Appendix 2 – Consultation comments and suggestions Appendix 3 – Proposed new version of the handbook 2017	

Key issues and reasons for recommendation(s)

1. **Background**

1.1 The Council licences the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

2.0 Conditions

2.1 The proposed revised handbook is presented at Appendix 3. The main changes to the handbook in terms of the conditions are listed as follows:

- The new Driver application requirement to include a Level 2 qualification covering safety of vulnerable people, disability awareness and customer care adopted by the Council in December 2016
- Requirement for existing drivers to complete basic training covering some of the key issues within the Level 2 qualification
- Requirement that existing drivers undertake the Level 2 qualification for certain breaches of licence conditions
- CRB requirements have changed to a DBS criminal conviction certificate
- Addition of door stickers for private hire vehicles stating "Pre-bookings only, no booking – No Insurance".
- DVLA check changes making them free of charge
- Immigration legislation updates
- Appropriate wording revisions for the dress code for drivers
- For Drivers over 45 years old, to remove the ability to use 'Doctors on Wheels'. Once drivers reach the age of 45, they are required to have a medical every 5 years from this age and more frequently from the age of 65. The need for full medical records is considered a necessity for the fit and proper person test. Doctors on Wheels do not have access to any complicated medical history, only a registered GP would, therefore Doctors on Wheels would not be able to fulfil this requirement.
- Introduction of new disciplinary codes relating to smoking in the vehicle, failure to produce documents, failing to behave in a civil manner towards the public or council staff and refusal to transport assistance dogs
- Equality Act update for wheelchair users.
- Sanctions for drivers who do not complete mandatory training

2.2 The proposed revised handbook reflects some of the changes in the way new and existing drivers will be applying for their licences such as the proposed adoption of the Level 2 Certificate in Taxi and Private hire driving (or equivalent). All proposed changes to the existing handbook conditions have been highlighted in red.

3 Consultation

3.1 A formal consultation on the draft revised handbook was undertaken between 6 February and 20 March 2017. The consultation covered both licensing authorities in West Suffolk.

3.2 Prior to commencing the consultation a working party was established comprising of the Committee Chairs, two Members of the Licensing and Regulatory Committees from each Local Authority in West Suffolk and Licensing Officers with the purpose of engaging with stakeholders and providing insight to ensure that changes to the conditions is undertaken fairly and robustly.

- 3.3 Key stakeholders were consulted in a range of ways:
- all Taxi and Private Hire Drivers/Owners/Operators were written to individually and invited to comment on the proposals online via the Council's website, in writing, by phone or in person
 - The public were invited to comment via the Council's website
 - Key stakeholders, including all licensed drivers, were invited to attend a drop-in session with licensing officers and members to discuss the proposed changes
 - Drivers were approached during day-to-day contact with licensing staff to engage in informal discussion about the proposals.
- 3.4 All formal responses received during the consultation were recorded with informal responses considered by the licensing officers and checked that they were fairly represented in the recorded comments. The formal responses are summarised in Appendix 2. All comments were reviewed by the Working Party and relevant revisions to the draft handbook are shown in RED where the Working Party concluded that changes to the consultation version were appropriate.
- 3.5 There was discussion amongst stakeholders with respect to the minimum size of vehicle engines. The Working Party concluded that due to the improvements made in engine efficiency, concern over diesel emissions and air quality and the emerging market for non-internal combustion engines, engine size was set at 1200cc or equivalent. However, the Working Party considered that further research should be undertaken by officers before setting higher standards and that these proposals would be brought forward in a separate report for approval by this Committee at a later date.
- 3.6 In the meantime, the Council would wish to encourage the use of fuel efficient and Ultra Low/Zero Emission Vehicles by taxi drivers in the future. Therefore, the West Suffolk councils will continue to offer a grant to businesses in West Suffolk, called the West Suffolk Greener Business Grant, of up to £1,000 where the applicant can demonstrate significant energy efficiency/Carbon reduction for example through switching to hybrid/plug-in hybrid/electric motive power.
- 3.7 Your officers are in discussion with key organisations, including the Distribution Network Operator (UK Power Networks), with the intention of developing electric vehicle charging infrastructure to allow all electric vehicle drivers access to appropriately rated charging facilities in our key towns.
- 3.8 Finally, your Officers are working with stakeholders in Newmarket, including Newmarket Town Council and the Business Improvement District (BID), to develop actions to tackle local air quality given the fact that the Council has a declared Air Quality Management Area in the town. The anti-idling message will form part of the revised handbook to ensure that taxi drivers play their part in improving air quality in the town and beyond across West Suffolk.